

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

)
) MDL NO. 1456
) Civil Action No. 01-12257-PBS
) Subcategory No. 03-10643

THIS DOCUMENT RELATES TO:

The City of New York, et al.

v.

Abbott Laboratories, Inc., et al.

)
) Judge Patti B. Saris
)
)
)
)

**OCTOBER 2012 STATUS REPORT ON BEHALF OF
THE CITY OF NEW YORK AND NEW YORK COUNTIES**

The undersigned counsel for the City of New York and New York Counties in the above-captioned action (hereinafter referred to as “plaintiffs”) hereby submit the attached Status Report for October 2012, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: October 2, 2012

Respectfully submitted,

**City of New York and New York Counties in
MDL 1456 except Nassau and Orange, by**

KIRBY McINERNEY, LLP
825 Third Avenue
New York, New York 10022
(212) 371-6600

By: /s/ Joanne M. Cicala
Joanne M. Cicala

Ross B. Brooks, Esq.
MILBERG LLP
One Pennsylvania Plaza
New York, NY 10119
(212) 594-5300
Special Counsel for the County of Nassau

Theresa A. Vitello, Esq.
LEVY PHILLIPS &
KONIGSBERG, LLP
800 Third Avenue
New York, NY 10022
(212) 605-6205
Counsel for the County of Orange

**October 2012 Status Report on Behalf of the
City of New York and New York Counties**

Voluntary Dismissal of Claims Against Par

On October 2, 2012, plaintiffs filed a Stipulation of Dismissal with Prejudice of Plaintiffs' Claims Against Defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. See Docket No. 8199.

Settlement Orders of Dismissal

On August 10, 2012, the court entered the parties' fifth joint motion to extend the 90-day settlement order of dismissal of claims. The order provides that claims against the remaining defendants shall be dismissed without cost and without prejudice of any party, upon good cause shown, to reopen the action after October 30, 2012 if settlement is not consummated. *See* Docket No. 8186, Sub-Docket 337. The order applies to the only remaining defendant in this action, King/Monarch.

CERTIFICATE OF SERVICE

I, Kathryn B. Allen, hereby certify that on the 2nd day of October 2012, I caused a true and correct copy of the above October 2012 Status Report for the City of New York and New York Counties to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: October 2, 2012

/s/ Kathryn B. Allen
Kathryn B. Allen
Kirby McInerney LLP
825 Third Avenue
New York, NY 10022
(212) 371-6600